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10/680,505	10/07/2003	Tatsuya Shiobara	17093	5502

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EXAMINER	
SEREBOFF, NEAL	

ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/680,505	SHIOBARA, TATSUYA	
	Examiner	Art Unit	
	Neal R. Sereboff	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/7/2003 and 4/30/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. Claims 1 – 17 are pending and the Information Disclosure Statements (PTO-1449) submitted on 10/7/2003 and 4/30/2007 have been considered.

2. As required by MPEP § 2181(I), claims 16 and 17 are being treated under 35 U.S.C. 112, 6th paragraph.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed toward the nonstatutory "computer data signal embodied in a carrier wave." (MPEP §2106.01)

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Specification fails to point out the structures required to perform the "means for" limitations.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Campbell et al., U.S. Patent Number 6,047,259.

9. As per claim 1, Campbell teaches a system for use in generating a diagnosis report, comprising:

- An observation display unit displaying observation on an examination result (figures 4 – 7);
- A treatment information input request notification unit transmitting a notification of a request to input treatment information about the treatment in response to the observation when the observation is displayed on said observation display unit (figure 10);
- A treatment information obtaining unit obtaining the treatment information input in response to the notification (figures 10 – 12), and
- A storage unit storing observation information indicating the observation associated with the treatment information (figure 1, hard drive).

10. As per claim 2, Campbell teaches the system of claim 1 as described above. Campbell further teaches the system comprising:

- An observation term selection result obtaining unit obtaining a selection result of an observation term corresponding to the observation from a plurality of observation terms

(figure 12 where the description is found on column 19, lines 8 – 40 and figure 5 where temperature history is displayed); and

- A supplementary information result obtaining unit obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (column 15, lines 5 – 52), wherein
- Said observation information is formed by the observation terms relating to the selection result about the observation term and the supplementary information relating to the selection result about the supplementary information (figure 6).

11. As per claim 3, Campbell teaches the system of claim 2 as described above. Campbell further teaches the system comprising an observation term list display unit displaying a list of a plurality of observation terms (figure 6 where the plurality of terms are included within the temperature history).

12. As per claim 4, Campbell teaches the system of claim 2 as described above. Campbell further teaches the system comprising a supplementary information list display unit displaying a list of supplementary information associated with the observation term, wherein said supplementary information result obtaining unit can obtain a selection result from the list of the supplementary information (figure 6, where the current observation has requires additional information).

13. As per claim 5, Campbell teaches the system of claim 4 as described above. Campbell further teaches the system wherein said supplementary information list display unit displays a list of the supplementary information based on the selection result of the observation term obtained

by said observation term selection result obtaining unit (figure 6, where the screen shows information regarding the current term).

14. As per claim 6, Campbell teaches the system of claim 2 as described above. Campbell further teaches the system wherein said observation display unit displays a list of observation terms relating to the selection result about the observation term and the supplementary information relating to the selection result about the supplementary information (figures 5 and 6 where the specific information represents nonfunctional descriptive material MPEP §2601.01).

15. As per claim 7, Campbell teaches the system of claim 2 as described above. Campbell further teaches the system claim 2, further comprising an observation text generation unit generating observation text representing the observation term relating to the selection result and the supplementary information relating to the selection result about the supplementary information (figure 1 where the keyboard generates observation information text), wherein said observation display unit displays the observation text (figure 1, where the monitor displays the text).

16. As per claim 8, Campbell teaches the system of claim 7 as described above. Campbell further teaches the system comprising an observation display format switch unit switching between a display of the observation on said observation display unit represented as a list of observation terms relating to the selection result about the observation term and supplementary information relating to the selection result about the supplementary information, and a display of the observation text (figure 5, where the unit is the collection of buttons described in column 14, line 37 through column 15, line 4).

17. As per claim 9, Campbell teaches a system for use in generating a diagnosis report, comprising:

- An observation term selection result obtaining unit obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 12 where the description is found on column 19, lines 8 – 40 and figure 5 where temperature history is displayed);
- A supplementary information result obtaining unit obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (column 15, lines 5 – 52); and
- An observation information storage unit storing observation information which is formed by the observation term relating to the selection result about an observation term and the supplementary information relating to the selection result about the supplementary information, and indicates the observation (figure 1, hard drive storing information found on figures 5 and 6).

18. As per claim 10, Campbell teaches a method for generating a diagnosis report, comprising:

- Displaying observation on an examination result on a display device (figures 4 – 7);
- Transmitting a notification of a request to input treatment information about the treatment in response to a display of the observation (figure 10);

- Obtaining the treatment information input in response to the notification (figures 10 – 12), and storing observation information indicating the observation associated with the treatment information (column 8, lines 1 – 18).

19. As per claim 11, Campbell teaches a method for generating a diagnosis report, comprising:

- Obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 12 where the description is found on column 19, lines 8 – 40 and figure 5 where temperature history is displayed);
- Obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (column 15, lines 5 – 52); and
- Storing observation information which is formed by the observation term relating to the selection result about an observation term and the supplementary information relating to the selection result about the supplementary information, and indicates the observation (figure 1, hard drive storing information found on figures 5 and 6 and further described in column 8, lines 1 – 18).

20. As per claim 12, Campbell teaches a computer-readable recording medium which stores a program used to direct a computer to generate a diagnosis report, and is executed by the computer to perform the process comprising:

- An observation displaying process of allowing a display device to display observation on an examination result (figure 12 where the description is found on column 19, lines 8 – 40 and figure 5 where temperature history is displayed);
- A treatment information input request notifying process of transmitting a notification of a request to input treatment information about the treatment in response to a display of the observation (figure 10 and column 15, lines 5 – 52);
- A treatment information obtaining process of obtaining the treatment information input in response to the notification (figures 10 – 12), and a storing process of storing observation information indicating the observations associated with the treatment information (column 8, lines 1 – 18).

21. As per claim 13, Campbell teaches a computer-readable recording medium which stores a program used to direct a computer to generate a diagnosis report, and is executed by the computer to perform the process comprising:

- An observation term selection result obtaining process of obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 12 where the description is found on column 19, lines 8 – 40 and figure 5 where temperature history is displayed);
- A process of obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (column 15, lines 5 – 52); and
- An observation information storage process of storing observation information which is formed by the observation term relating to the selection result about an observation term

and the supplementary information relating to the selection result about the supplementary information, and indicates the observation (figure 1, hard drive storing information found on figures 5 and 6 and further described in column 8, lines 1 – 18).

22. As per claim 14, Campbell teaches a computer data signal embodied in a carrier wave representing a computer program used to direct a computer to generate a diagnosis report and execute the program of the process, comprising:

- An observation displaying process of allowing a display device to display observations on an examination result (figures 4 – 7);
- A treatment information input request notifying process of transmitting a notification of a request to input treatment information about the treatment in response to a display of the observation (figure 10 and column 15, lines 5 – 52);
- A treatment information obtaining process of obtaining the treatment information input in response to the notification (figures 10 – 12), and a storing process of storing observation information indicating the observation associated with the treatment information (column 8, lines 1 – 18).

23. As per claim 15, Campbell teaches a computer data signal embodied in a carrier wave representing a computer program used to direct a computer to generate a diagnosis report and execute the program of the process, comprising:

- An observation term selection result obtaining process of obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 12 where the description is found on column 19, lines 8 – 40 and figure 5 where temperature history is displayed);

- A supplementary information result obtaining process of obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (column 15, lines 5 – 52); and
- An observation information storage process of storing observation information which is formed by the observation term relating to the selection result about an observation term and the supplementary information relating to the selection result about the supplementary information, and indicates the observation (figure 1, hard drive storing information found on figures 5 and 6 and further described in column 8, lines 1 – 18).

24. As per claim 15, Campbell teaches a system for use in generating a diagnosis report, comprising:

- Observation display means for displaying observations on an examination result (figures 4 – 7 where the display means is a computer display);
- Treatment information input request notification means for transmitting a notification of a request to input treatment information about the treatment in response to the observation when the observation is displayed on said observation display means (figure 10 and column 15, lines 5 – 52);
- Treatment information obtaining means for obtaining the treatment information input in response to the notification (figures 10 – 12 where the obtaining means is a computer display), and storage means for storing observation information indicating the observation associated with the treatment information (column 8, lines 1 – 18 where the storage means is a computer hard drive).

25. As per claim 15, Campbell teaches a system for use in generating a diagnosis report, comprising:

- Observation term selection result obtaining means for obtaining a selection result from a plurality of observation terms about an observation term corresponding to observation on an examination result (figure 12 where the description is found on column 19, lines 8 – 40 and figure 5 where temperature history is displayed where the obtaining means is a keyboard);
- Supplementary information result obtaining means for obtaining the selection result of supplementary information corresponding to the observation from plural pieces of supplementary information associated with the observation term relating to the selection result (column 15, lines 5 – 52 where the obtaining means is a keyboard); and
- Observation information storage means for storing observation information which is formed by the observation term relating to the selection result about an observation term and the supplementary information relating to the selection result about the supplementary information, and indicates the observation (figure 1, where the means is the hard drive, storing information found on figures 5 and 6 and further described in column 8, lines 1 – 18).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal R. Sereboff whose telephone number is (571) 270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NRS/
9/19/2007

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